



**CITY OF BEACON, NEW YORK
ONE MUNICIPAL PLAZA
BEACON, NY 12508**

Mayor Randy Casale
Councilmember Lee Kyriacou, At Large
Councilmember George Mansfield, At Large
Councilmember Terry Nelson, Ward 1
Councilmember John E. Rembert, Ward 2
Councilmember Jodi M. McCredo, Ward 3
Councilmember Amber J. Grant, Ward 4
City Administrator Anthony Ruggiero

January 22, 2019
7:00 PM
City Council Agenda

Call to Order

Pledge of Allegiance

Roll Call

Public Comment:

Each speaker may have one opportunity to speak up to three minutes on any subject matter other than those which are the topic of a public hearing tonight. Please sign in at the podium. This segment will last no longer than thirty minutes, with speakers recognized in the order they appear on the sign-in sheet. A second public comment opportunity will be provided later in the meeting for those who do not get to speak during this first segment.

Community Segment:

- Mental Health Pre-Planning Announcement

Public Hearings:

- A continuation of a public hearing to receive public comment on a proposed Local Law to delete Chapter 183 entitled "Signs and to amend Chapter 223 Sections 15 and 63 of the Code of the City of Beacon, concerning sign regulations in the City of Beacon.

Reports:

- Council Member Amber J. Grant
- Council Member John E. Rembert
- Council Member Lee Kyriacou
- Council Member George Mansfield
- Council Member Jodi M. McCredo
- Council Member Terry Nelson
- City Administrator, Anthony Ruggiero
- County Legislators
- Mayor Randy Casale

Local Laws and Resolutions:

1. A resolution adopting a Local Law to repeal Chapter 223, Article III, Section 24.8 and to amend Chapter 223, Attachment 2 of the Code of the City of Beacon concerning amusement centers containing only vintage amusement devices.
2. A resolution appointing Collin Milone to position of Administrative Assistant to the Mayor.
3. A resolution appointing Dave Buckley as the City of Beacon's Acting Building Inspector
4. A resolution authorizing reappointment of Kathleen Martin as Sole Assessor of the City of Beacon.
5. A resolution confirming the appointment of Conservation Advisory Committee Members Micah Slavkin and Danielle Levoit.
6. A resolution confirming the appointment of Garrett P. Duquensne to the Zoning Board of Appeals.
7. A resolution confirming the reappointment of various Board and Committee Members.
8. A Resolution to refer the concept plan for 248 Tioronda Avenue to the Dutchess County Planning Board and the City Planning Board for report and recommendation
9. A resolution adopting the City of Beacon Procurement Policy.
10. A resolution to award the Contract for Green Street Park Improvements to Beacon Residential, LLC.
11. A resolution to retain Henningson, Durham & Richardson Architecture and Engineering, P.C. to review plans for the proposed 110 Howland Avenue wireless telecommunication special use permit application.

2nd Opportunity for Public Comments:

Each speaker may have one opportunity to speak up to three minutes on any subject matter other than those which are the topic of a public hearing tonight. This segment will last no longer than thirty minutes. Those who spoke at the first public comment segment are not permitted to speak again.

Adjournment:

City of Beacon Council Agenda
1/22/2019

Title:

Mental Health Pre-Planning Announcement

Subject:

Background:

City of Beacon Council Agenda
1/22/2019

Title:

A continuation of a public hearing to receive public comment on a proposed Local Law to delete Chapter 183 entitled "Signs and to amend Chapter 223 Sections 15 and 63 of the Code of the City of Beacon, concerning sign regulations in the City of Beacon.

Subject:

Background:

ATTACHMENTS:

Description	Type
PROPOSED LOCAL LAW TO DELETE CHAPTER 183 AND AMEND CHAPTER 223 SECTIONS 15 AND 63 OF THE CODE OF THE CITY OF BEACON	Local Law
Proposed Draft Sign Regulations For the City of Beacon Nonresidential Uses	Cover Memo/Letter

DRAFT LOCAL LAW NO. ____ OF 2018

CITY COUNCIL
CITY OF BEACON

PROPOSED LOCAL LAW TO
DELETE CHAPTER 183 AND AMEND
CHAPTER 223 SECTIONS 15 AND 63 OF THE
CODE OF THE CITY OF BEACON

A LOCAL LAW to
deleted Chapter 183
entitled “Signs” and to
amend Chapter 223
Sections 15 and 63 of
Code of the City of
Beacon, concerning sign
regulations in the City of
Beacon.

BE IT ENACTED by the City Council of the City of Beacon as follows:

Section 1. Chapter 183 of the Code of the City of Beacon entitled “Signs” is hereby deleted in its entirety.

Section 2. Chapter 223, Section 63 of the Code of the City of Beacon entitled “Definitions” is hereby amended to add the following definitions:

SIGN

Any material, structure or device, or part thereof, composed of lettered or pictorial matter which is located out of doors, or on the exterior of any building, including window signs located within 18 inches of the window surface and intended to be viewed from the exterior of the building, displaying an advertisement, announcement notice or name, and includes sign frames, billboards, signboards, painted wall signs, hanging signs, illuminated signs, fluttering devices or projecting signs, and shall include any declaration, demonstration, display, illustration or insignia used to advertise or promote the interests of any person or business or cause when the same is placed in view of the general public. A sign for the purposes of this section does not include works of art, including murals or other works of art, approved by the Planning Board.

~~Any structure or part thereof, or any device attached thereto or painted thereon, or any material or thing, illuminated or otherwise, which displays or includes any numeral, letter, work, model, banner, emblem, light, device, trademark or other representation used as an announcement, designation, direction, display or advertisement of any person, firm, group, organization, commodity, service, profession or enterprise when placed in such~~

~~manner that it provides visual communication to the general public out of doors, but not including the following:~~

- ~~A. Signs maintained or required to be maintained by law or governmental order.~~
- ~~B. The flag or insignia of any government or governmental agency.~~
- ~~C. The flag of any civic, political, charitable, religious, fraternal or similar organization, which is hung on a flagpole or mast.~~
- ~~D. Religious or other seasonal holiday decorations which do not contain commercial lettering, wording, designs, symbols or other devices.~~

SIGN AREA

Where a sign consists of a single board or face with information on one or both sides, the area which results by including the outside dimensions of such sign, not including the vertical, horizontal or diagonal supports which may affix the sign to the ground or to a structure or building unless such supports are evidently designed to be part of the sign as defined herein. Where a sign consists of several individual faces, the area shall be the total of the area of all such faces which can be observed from any one point. Where the sign consists of individual letters or symbols attached to or painted on any building, window, or part thereof, the area shall be considered to be that of the smallest basic geometric shape (rectangle, triangle or circle) which encompasses all of the letters, symbols and/or any background of a different color than the color of the building.

SIGN, AWNING

Any visual message incorporated in an awning attached to a building. This sign type does not include canopies over gas pumps.

SIGN, BANNER

Any sign constructed of fabric or other flexible material. Flags are not considered banner signs.

SIGN, BILLBOARD

Any sign, other than an exempt sign, which advertises or otherwise directs attention to a business, commodity, service, industry or other activity which is not, or is only incidentally, sold, offered or conducted at the real property at which such sign is located.

SIGN, FREESTANDING

Any sign independent of any building but permanently affixed, by any other means, to the ground.

SIGN, LAWN

Temporary freestanding signs placed or inserted on the ground.

SIGN, PROJECTING

Any sign which is attached perpendicular to a building or other structure and extends 12 inches beyond the line of the building or structure or beyond the surface of that portion of the building or structure to which it is attached.

SIGN, ROOF

A sign erected on a roof or extending in height above the cornice or projecting eave of the roofline of the building on which the sign is erected.

SIGN, SANDWICH BOARD

A two-sided hinged sign, portable in nature and capable of standing without support or attachment. The area of a sandwich board sign shall be the total area of one face of the sandwich board sign.

SIGN, TEMPORARY

A banner, poster or advertising display constructed of paper, cloth, canvas, plastic sheet, cardboard, wallboard, plywood or other like materials and that appears to be intended or is determined by the Building Inspector, or his or her designee, to be displayed for a limited period of time of no more than six months in a twelve month period.

SIGN, WALL

Any painted sign or poster or any surface or place that may be affixed to the front, side or rear walls of any building.

SIGN, WINDOW

A type of sign applied onto or attached to the inside or outside of a window or a transparent door or within 18 inches of the window or transparent door surface.

Section 3. Chapter 223, Section 15 of the Code of the City of Beacon entitled "Signs" is hereby amended as follows:

§ 223-15 Signs.

A. Purpose. The purpose of this section is to promote and protect the public health, safety and welfare by regulating signs of all types within the City of Beacon. This section is intended to protect property values, create a more attractive economic and business climate, ensure pedestrian and vehicular safety, enhance and protect the physical appearance of the community and preserve the scenic and natural beauty of the City.

B. Objectives. These regulations also serve to achieve the following objectives:

- (1) Ensure right to free speech as protected under the Constitution;
- (2) Protect property values, create a more attractive economic and business climate, and protect the physical appearance of the community;

- (3) Provide structures and uses with effective means of identification while reducing visual clutter through the prevention of excessive and confusing sign displays;
- (4) Reduce traffic conflicts or hazards by minimizing visual distractions or obstacles in or visible from the public rights-of-way;
- (5) Minimize the adverse effect of signs on nearby public and private property;
- (6) Avoid personal injury and property damage from unsafe or confusing signs; and
- (7) Establish a clear and impartial process for those seeking to install signs.

C. Conformity required. No sign or billboard shall be erected, constructed, displayed, maintained, moved, reconstructed, extended, enlarged or altered, except in conformity with and expressly authorized by the provisions of this chapter.

D. Permit required.

- (1) Unless specifically exempted from obtaining a permit under the provisions of this section, no person shall erect, construct, replace, relocate or structurally alter any sign within the City without first obtaining a sign permit from the Building Inspector and paying the required fee to the City Clerk. The repainting, repairing, changing of parts or sign facing, and maintenance of signs shall not require the issuance of a sign permit provided such maintenance, change or alteration does not in any way alter the size, illumination or location of the sign on the property.
- (2) Submission of a permit application shall be on a form issued by the Building Department and the application fee shall be set forth in the City of Beacon Fee Schedule. The application shall include plans and/or specification of the sign, including the dimensions, materials and details of construction of the proposed sign.
- (3) If a sign is not erected within six months following the issuance of a sign permit for said sign, the sign permit will automatically become void.

~~A. Relationship to a permitted use. All signs must pertain to a use conducted on the same property on which they are located.~~

~~B. Signs in residence districts. In residence districts, the following signs are hereby authorized:~~

- ~~(1) One identification sign stating the name and address of the resident or property or the number of the lot, not exceeding one square foot in area.~~
- ~~(2) One identification sign announcing any profession or occupation permitted~~

~~as an accessory use on the lot, not exceeding one square foot of area.~~

~~(3) For other permitted uses, one sign at each street frontage where the use has an access drive, provided that the total area of such sign does not exceed 50 square feet.~~

~~(4) Temporary signs in accordance with Subsection F below.~~

~~(5)(1) Interior signs displayed through windows shall not require a permit under this section, and said signs shall not count toward maximum number of signs affixed to a building per establishment. However, interior window signs affixed to or placed so as to be visible through a window shall be limited to the windows of the structure within which the permitted use is situated, facing the principal street giving access to such structure. The total amount of signage shall not exceed 30% of the total glass area. All signs shall be maintained in a legible, neat and orderly fashion.~~

E. Prohibited Signs.

~~(1) Signs that contain words or pictures of an obscene or pornographic nature.~~

~~(2) Signs that emit audible sounds, odor or visible matter.~~

~~(3) Signs placed on a curb, sidewalk, hydrant, utility pole, trees or other objects located on or over any public street, public property or within any public right-of-way, unless otherwise permitted. The City reserves the right to remove any sign placed on public property without notice.~~

~~(4) Portable signs, including signs that are mounted on wheels or mounted on any structure on wheels, but not including permitted sandwich board signs.~~

~~(5) Signs with mirrors or any other reflective material.~~

~~(6) Roof signs.~~

~~(7) Billboards.~~

~~(8) Signs that are mechanically, digitally or electronically animated.~~

~~(9) Inflated signs, wind-animated banners, tethered balloons, and projected images.~~

F. Signs exempt from permit requirements. The following signs are exempt from the permit requirements of this section. Unless otherwise limited below, such exempt sign shall not exceed four feet in height and shall not exceed six square feet in sign area per sign. Each exempt sign must comply with all other provisions of this section.

(1) Any official sign, public notice, or warning sign prescribed by federal, state or

- local law, including but not limited to signs erected and maintained pursuant to and in discharge of any government functions. The sign must comply with the size restrictions set forth herein, unless otherwise prescribed by federal, state or local law.
- (2) Identification signs stating the name and address of the resident or property or the number of the lot, not exceeding two square feet in area.
 - (3) One nonilluminated secondary window signs communicating accessory information such as hours of operation, "in" or "out" signs, and totaling no more than one square foot in size.
 - (4) Temporary nonilluminated window signs in non-residential uses. The total amount of signage shall not exceed 20% of the total window surface area. Temporary window signs shall include signs that identify special events and sales.
 - (5) Nonilluminated signs used for the purpose of selling, renting or leasing land or buildings, and displayed only on the premises for sale or lease. No such signs shall exceed four feet in height or six square feet in area, shall be limited to one per premises, and shall be removed immediately upon sale, rental or lease of the premises. The top of the sign shall be no more than six feet off the ground. The sign shall be placed at least five feet from all property lines and shall not be placed in such a way as to obstruct proper sight distance or otherwise interfere with pedestrian or traffic flow.
 - (6) One nonilluminated construction sign not exceeding six square feet in area identifying the parties involved in the design, financing and/or provision of labor and materials associated with the labor on the premises where the sign is located, but not including the advertisement of any product. Such sign shall be removed prior to the issuance of a certificate of occupancy authorizing the initiation of intended use of the premises. The sign shall be placed at least five feet from all property lines and shall not be placed in such a way as to obstruct proper sight distance or otherwise interfere with pedestrian or traffic flow.
 - (7) Flags of any nation or state, and seasonal flags shall not require a sign permit. Flags shall not exceed 20 square feet.
 - (8) Historical markers, monuments or signs as approved by local, state or federal authorities.
 - (9) One nameplate or sign not exceeding two square feet for home occupation and home professional offices uses.
 - (10) Lawn signs on any lot without a permit provided that the sign does not exceed three feet in height and three square feet in area. The aggregate area of all lawn signs on any lot shall not exceed 16 square feet. The top of the lawn sign shall be no more than five feet off the ground. The lawn sign shall be placed at least

five feet from all property lines and shall not be placed in such a way as to obstruct proper sight distance or otherwise interfere with pedestrian or traffic flow. Such signs are to be nonilluminated and shall be displayed for a limited period of time of no more than six months in a twelve month period. Law signs must be removed within seven calendar days after the event for which they are displayed.

- (11) Signs within a building not legible from the public right-of-way or adjacent lots, or any sign within an enclosed outdoor space, such as an athletic field, where such sign is not legible beyond the property lines.

C.G. Sign regulations in ~~residence~~ all districts.

- (1) ~~Animation. No sign shall be mechanically animated, such as moving, rotating or revolving.~~
- (2) Setback. All signs shall be located within the setback lines of the lot or on the building, unless otherwise permitted.
- (3) Repair. All signs and components thereof shall be kept in good repair and in safe, neat, clean and attractive condition.-
- (4) Illumination. Permitted signs may be internally or externally illuminated, unless otherwise prohibited, except by means of a neon-type electric material, provided that such illumination shall not be twinkling, flashing, intermittent, or of changing degrees of intensity or projected outward from the property onto adjacent properties or public rights-of-way ~~and provided that the source of such illumination shall not be visible beyond the boundaries of the lot on which it is located.~~ Notwithstanding the above, neon, ~~LCD-fluorescent~~ and LED signs shall not be permitted for any residential use, but may be permitted in nonresidential districts, unless otherwise prohibited. All illumination shall be focused downward from above, shall create no direct glare and shall light only the sign area.
- (5) Placement. No sign shall be located so as to obscure any signs displayed by a public authority, nor shall any sign be placed in such a way as to obstruct proper sight distance or otherwise interfere with pedestrian or traffic flow.
- (6) No sign shall be placed in a location that would cause a violation of the provisions of the Americans with Disabilities Act.

H. Signs for residential uses.

- (1) No sign for a residential use, including exempt signs under § 223-15G, shall be placed above the first floor.
- (2) The aggregate sign area of all signs with permits on any lot shall not exceed 16 square feet.

- (3) A subdivision, apartment or multi-family housing development consisting of more than 15 dwelling units may display freestanding identification sign at each street entrance to the development, designating only the name of the development, the address and name of the owner and the names of any buildings located therein, provided that the maximum sign area of said sign shall not exceed 24 square feet and shall not be more than six feet in height. The top of the sign shall be no more than eight feet off the ground. Such sign shall maintain at least a five foot setback from all property lines.

D.I. Signs in for nonresidence districts nonresidential uses. In nonresidence districts,
~~†~~The following signs are hereby permitted for nonresidential uses: authorized:

- (1) Not more than one sign affixed to the outer wall of the structure within which the permitted use is situated, which outer wall faces the principal street giving access to such structure, provided that:
 - (a) The aggregate area of each ~~such~~ sign shall not exceed one square foot for each linear foot of building facing the street.
 - ~~(a)(b)~~ The aggregate area of all signs with permits on any lot shall not exceed two square feet for each linear foot of a building facing the street.
 - ~~(b)(c)~~ No such sign shall exceed two feet in height, except that a vertical projecting wall sign shall not exceed eight feet in height or ten square feet. A vertical projecting wall sign is defined as any sign which is attached to the building wall or structure which is perpendicular to the face of such wall or structure.
 - ~~(e)(d)~~ No sign shall project above the eaves of the building on which it is affixed or, if no eaves exist thereon, the roof, nor shall any wall sign extend more than six inches from the building into any required yard.
 - ~~(d)~~ No sign shall face an abutting residential zoning district if located within 50 feet of such district.
 - (e) Vertical pProjecting wall signs shall not have more than two faces.
 - (f) The exterior edge of a ~~vertical~~ projecting wall sign shall not extend more than five-six feet from the outer wall of the structure ~~or 1/3 the width of the sidewalk, whichever is less.~~
 - (g) No part of a ~~vertical~~ projecting wall sign shall extend into vehicular traffic areas, and any part over pedestrian areas shall have a minimum clearance of seven feet, six inches.
- (2) Not more than one freestanding sign facing each street on which the lot abuts,

provided that:

- (a) The building is set back ~~not less than~~ at least 50 feet from the street line, in which case the sign shall not exceed 20 square feet in area.
 - (b) The building is set back ~~not less than~~ at least 100 feet from the street line, in which case the sign shall not exceed 35 square feet in area.
 - (c) ~~No dimension shall exceed 12 feet. The top of the sign shall be no higher than 16 feet off the ground.~~
- (3) ~~Permanent window signs. The total amount of signage shall not exceed 20% of the total window surface area and shall not exceed four feet in height and 16 square feet in area.~~
- (4) ~~Awning signs. One sign for each premise shall be allowed. The area of such sign shall not exceed 20% of the area of the awning.~~
- (5) ~~Sandwich board signs. A single sandwich board sign shall be permitted on any lot provided that such sign does not exceed three feet in height and six feet in area. All sandwich board signs shall be brought in each day at the close of business. Signs shall not be placed in such a way as to obstruct property sight distance or otherwise interfere with pedestrian or traffic flow. A pedestrian clearway of at least six feet shall be maintained in a pedestrian walkway, a pedestrian clearway of at least eight feet shall be maintained whenever possible.~~
- (3)(6) ~~One identification sign, not exceeding 10 square feet in area, to the outer wall of the structure facing upon a street or parking lot not faced by a sign as permitted in Subsection E(1) above.~~
- (4)(7) ~~In addition to other permitted signs, necessary small directional signs are permitted on access roads and parking areas, provided that the area of each sign shall not exceed two square feet.~~
- (5)(8) ~~Interior signs displayed through windows shall not require a permit under this section, and said signs shall not count toward maximum number of signs affixed to a building per establishment. However, interior window signs affixed to or placed so as to be visible through a window shall be limited to the windows of the structure within which the permitted use is situated, facing the principal street giving access to such structure. The total amount of signage shall not exceed 30% of the total glass area. All signs shall be maintained in a legible, neat and orderly fashion.~~
- (6) ~~Temporary signs in accordance with Subsection F below.~~

E.J. Signs in the Historic District and Landmark Overlay Zone. All signs in the Historic District and Landmark Overlay Zone shall be approved by the Planning

Board pursuant to § 134-6.

F.K. Temporary signs.

- (1) All signs of a temporary nature must receive permits before being displayed, except those specified in 123-15G.
- (2) Requirements. Any proposed temporary sign shall conform to the following:
 - (a) Such sign shall not exceed four feet in height and 32 square feet in area for any non-residential use. The top of the temporary sign shall be no more than 16 feet off the ground.
 - (b) Such sign shall not exceed four feet in height and 32 square feet in area for any residential use. The top of the temporary sign shall be no more than six feet off the ground.
 - (c) Such sign shall not be displayed for more than six months in a twelve month period.
 - (d) Such sign shall not be illuminated.
 - (e) Such sign shall maintain at least a five foot setback from all property lines.
 - (f) Such sign shall be placed in such a way as to not obstruct proper sight distance or otherwise interfere with pedestrian or traffic flow.
- (3) Banners shall be permitted as temporary signs and shall be subject to the provisions set forth above.
- ~~(i.) A temporary sign is a nonilluminated sign that is used in connection with a circumstance, situation or event that is designed, intended or expected to take place or to be completed within a reasonably short or definite period after the erection of such sign, such as signs displayed during campaigns, drives or events of civic, political, philanthropic, educational or religious institutions. If such sign display area is permanent but the message displayed is subject to periodic changes, that sign shall not be regarded as "temporary." Unless otherwise provided in this section, signs shall not be considered temporary if they are effectively displayed on an ongoing basis, interrupted by short intervals when they are not displayed. Temporary signs shall not require a permit under this section, unless located in the public right-of-way or on public property.~~
- ~~(2) Temporary signs must be removed by the individual or organization which posted, or caused to be posted, such temporary signs within seven calendar~~

~~days after the event for which they are displayed, unless otherwise provided in this section.~~

- ~~(3) No temporary sign shall be located so as to obscure any signs displayed by a public authority, nor shall any sign be placed in such a way as to obstruct proper sight distance or otherwise interfere with pedestrian or traffic flow.~~
- ~~(4) The following temporary signs shall be permitted in all districts, unless otherwise provided in this section:~~
 - ~~(a) Not more than one temporary sign for each street frontage of the lot, identifying the architect, engineer and/or contractor, and not exceeding 40 square feet in area in nonresidence districts and six square feet in residence districts, shall be permitted during the course of construction only.~~
 - ~~(b) One "for sale" or one "to let" sign not exceeding six square feet in area for a single lot, or 50 square feet in area for a real estate subdivision, and set back at least 15 feet along the frontage of the street upon which the property is located. A "sold" sign shall not be displayed for more than 30 calendar days.~~
 - ~~(c) Signs indicating that a special event such as a grand opening, fair, carnival, circus, festival or similar event is taking place on the lot where the sign is located, not exceeding 40 square feet in area in nonresidence districts and six square feet in residence districts, and limited to one sign for each street frontage of the lot. The sign shall not be posted sooner than two weeks prior to the special event and shall be removed by the individual or organization which posted, or caused to be posted, such sign within three calendar days following the special event.~~
 - ~~(d) Sidewalk signs with no more than two faces, including but not limited to sandwich boards, in nonresidence districts, or in any other district provided the sign is located on Route 52 (Fishkill Avenue and Teller Avenue) or Route 9D (North Avenue and Wolcott Avenue), not exceeding one sign per business and not exceeding two feet in width and three feet in height. Sidewalk signs may be displayed on an ongoing basis, but shall not be displayed between the hours of 11:00 p.m. and 6:00 a.m., shall not include banners, and shall not be tethered. Sidewalk signs shall be located in the front of the business for which the sign is displayed, unless the business is located on a corner lot in which case the sign may be located to the side of the business, or unless the business maintains a rear entrance in which case the sign may be located to the rear of the business.~~
 - ~~(e) Signs for tag, garage or yard sales, not exceeding six square feet.~~

~~(f) Signs conveying a nonpolitical, noncommercial message, not exceeding 40 square feet in area in nonresidence districts and six square feet in residence districts and limited to one sign for each street frontage of the lot.~~

~~(g)(a) Political posters, banners, promotional devices and similar political signs.~~

~~G. Sign regulations in nonresidence districts.~~

~~(1) Illumination. Permitted signs may be internally or externally illuminated, provided that such illumination shall not be twinkling, flashing, intermittent, of changing degrees of intensity or projected outward from the property onto adjacent properties or public rights of way and provided that the source of such illumination shall not be visible beyond the boundaries of the lot on which it is located. Notwithstanding the above, neon, LCD and LED signs may be permitted.~~

~~(2) Placement. No sign shall be located so as to obscure any signs displayed by public authority, nor shall any sign be placed in such a way as to obstruct proper sight distance or otherwise interfere with pedestrian or traffic flow.~~

~~(3) Setback. Unless otherwise specified, all signs shall be located within the setback lines of the lot or on the building.~~

~~(4) Repair. All signs and components thereof shall be kept in good repair and in safe, neat, clean and attractive condition.~~

~~(5)(1) Animation. No sign shall be mechanically animated, such as moving, rotating or revolving.~~

~~H. Temporary signs in the public right of way and on public property.~~

~~(1) Permit required. In all districts, no temporary signs shall be erected in the public right of way or on public property without a permit, unless specifically exempted below.~~

~~(2) Exceptions. The following signs shall not be subject to the issuance of a permit:~~

~~(a) Public signs erected by or on behalf of a governmental body to post legal notices, identify public property, convey public information, and direct or regulate pedestrian or vehicular traffic.~~

~~(b) Temporary emergency warning signs erected by a governmental body, public utility company or contractor doing authorized or permitted work within the public right of way, provided that such signs shall be located outside of the public vehicular and pedestrian travel ways and~~

~~shall be placed so as not to create any nuisance or threat to public safety.~~

~~(c) Bus stops erected by a public transit company.~~

~~(d) Informational signs of a public utility regarding its poles, lines, pipes or facilities.~~

~~(3) Permit standards. The Building Inspector or his duly authorized designee shall issue a permit within a reasonable period of time following receipt of a complete permit application for the placement of a temporary sign in the right-of-way or on public property, provided the following conditions are satisfied:~~

~~(a) Submission of a permit application on a form issued by the Building Department and payment of the application fee as set forth in the City of Beacon Fee Schedule.~~

~~(b) No sign shall be placed in a location that would cause a violation of the provisions of the Americans with Disabilities Act, as may be amended from time to time.~~

~~(c) All signs must comply with the provisions of Subsection F, above.~~

~~(d) No sign shall be located so as to obscure any signs displayed by a public authority, nor shall any sign be placed in such a way as to obstruct proper sight distance or otherwise interfere with pedestrian or traffic flow or means of egress.~~

~~(e) The necessity of surety bonds and/or insurance shall be determined by the Building Inspector or his duly authorized designee. If it is determined that such surety bond and/or insurance is necessary, the amount of such surety bond and/or insurance shall be determined by the Building Inspector or his duly authorized designee, in his/her sole discretion, as may be necessary to defray any expense of liability from the City. Surety bonds and/or insurance policies shall be approved as to form by the City Attorney.~~

~~(f) Permits for sidewalk signs shall be valid for one year from the date of issuance and shall not be transferrable.~~

L. Nonconforming signs.

(1) All nonconforming signs for residential uses shall be removed or brought into compliance within three years of the adoption date of this section.

(2) All nonconforming temporary signs shall be removed or brought into compliance within 90 days of the adoption date of this section.

- (3) Any nonconforming sign for a residential use that is removed from its position or siting and not replaced in-kind within 30 days shall be presumed to be abandoned and discontinued and may not be restored or re-erected except in compliance with this section.
- (4) No nonconforming sign may be altered in any way that would increase its nonconformity with the regulations of this section, including but not limited to area, height, setback and illumination.
- (1)(5) Nothing herein shall be deemed to prevent maintaining a nonconforming sign in good repair and safe condition.

F.M. Violations.

- (1) Noncompliance with any of the foregoing provisions shall constitute an offense, punishable as provided for in § 1-3, General penalty. When a person has received written notice from the Building Inspector or has been served with a summons and complaint in an action to enjoin continuance of any violation, each day in excess of 10 days thereafter that he shall continue to be guilty of such violation shall constitute an additional, separate and distinct offense.
- (2) Any temporary sign installed or placed, except in conformance with the requirements of this section, shall be subject to removal. In addition to other remedies hereunder, the City shall have the right to recover from the owner or person placing such sign the full costs of removal and disposal of such signs in accordance with the administrative fee set forth in the City of Beacon Schedule of Fees. The fee shall be paid by the individual or entity retrieving the signs from the City. The City shall dispose of the sign(s) after five calendar days from the removal of the sign(s) by the City.
- (3) The display of any sign at a location containing the name or address of a person or entity and a commercial message relating to such person or address shall be presumptive evidence that such person installed, created, erected and maintained the sign at the location where it was displayed. This presumption shall be subject to rebuttal by competent evidence.

Section 4. Ratification, Readoption and Confirmation

Except as specifically modified by the amendments contained herein, Chapter 223 of the City of Beacon Code is otherwise to remain in full force and effect and is otherwise ratified, readopted and confirmed.

Section 5. Severability

The provisions of this Local Law are separable and if any provision, clause, sentence, subsection, word or part thereof is held illegal, invalid or unconstitutional, or inapplicable to any person or circumstance, such illegality, invalidity or unconstitutionality, or

inapplicability shall not affect or impair any of the remaining provisions, clauses, sentences, subsections, words or parts of this Local Law or their petition to other persons or circumstances. It is hereby declared to be the legislative intent that this Local law would have been adopted if such illegal, invalid or unconstitutional provision, clause, sentence, subsection, word or part had not been included therein, and if such person or circumstance to which the Local Law or part hereof is held inapplicable had been specifically exempt therefrom.

Section 6. Effective Date

This local law shall take effect immediately upon filing with the Office of the Secretary of State.

DRAFT

Proposed Draft Sign Regulations For the City of Beacon Nonresidential Uses

NONRESIDENTIAL USES Aggregate area of each sign not to exceed 1 sq. ft. for each linear ft. of building facing the street Aggregate area of all signs on any lot not to exceed 2 sq. ft. for each linear ft. of building facing the street	Allowed (no permit required) (Not to exceed 4 ft. in height and 6 ft. in sign area, unless specified below)	
	Sign Type	Size and other Restrictions
	Official Sign, Public Notice, Warning Sign	The sign must comply with the size restrictions set forth herein, unless otherwise prescribed by federal, state or local law.
	Identification	Not to exceed 4 sq. ft. in area
	Nonilluminated secondary window sign ("in" or "out" sign")	1 sign allowed, not exceed 1 sq. ft. in area
	Temporary nonilluminated window sign	Total signage shall not exceed 20% of the total window surface area.
	Nonilluminated Real Estate	1 sign allowed, shall not exceed 4 ft in height or 6 sq. ft. in area. The top of the sign shall be no more than 6 ft off the ground.
	Nonilluminated Construction	Not exceeding 6 sq. ft. in area
	Flags	Not exceeding 20 sq. ft
	Historical Markers	As approved by local, state or federal authorities.
	Nameplates of Sign for Home Occupation/Professional Office	1 nameplate, not exceeding 2 sq. ft.,
	Lawn Signs	Lawn signs allowed, not to exceed 3 ft. in height and 3 sq. ft. in area. The aggregate area of all lawn signs shall not exceed 16 sq. ft. The top of the lawn sign shall be no more than 5 ft off the ground. Signs shall be nonilluminated and shall be displayed for a limited period of time of no more than 6 months in a 12 month period. Must be removed 7 days after the event.

Proposed Draft Sign Regulations For the City of Beacon Nonresidential Uses

NONRESIDENTIAL USES Aggregate area of each sign not to exceed 1 sq. ft. for each linear ft. of building facing the street Aggregate area of all signs on any lot not to exceed 2 sq. ft. for each linear ft. of building facing the street	Allowed With A Permit	
	Sign Type	Size and other restrictions
	Projecting Wall	No more than 2 faces, not to exceed 8 ft. in height and 10 sq. ft. in area
	Freestanding	Building is set back at least 50 ft., sign shall not exceed 20 sq. ft. in area Building is set back at least 100 ft., sign shall not exceed 35 sq. ft. in area Top of the sign shall be no higher than 16 ft. from the ground
	Permanent Window Sign	Aggregate area shall not exceed 20% of the total window surface and shall not exceed 4 ft. in height
	Awning Sign	1 per lot, area shall not exceed 20% of the area of the awning.
	Sandwich Board	1 sign, not to exceed 3 ft. in height and 6 ft. in area, brought in after close of business. A pedestrian clearway of at least six feet shall be maintained in a pedestrian walkway, a pedestrian clearway of at least eight feet shall be maintained whenever possible.
	Temporary	Not to exceed 4 ft. in height and 32 sq. ft. in area; not to be illuminated. The top of the lawn sign shall be no more than 16ft. off the ground. Such sign shall not be displayed for more than 6 months in a 12 month period.
	Banners	Permitted as temporary on private property

Proposed Draft Sign Regulations For the City of Beacon Residential Uses

RESIDENTIAL USES Aggregate of all signs on any lot not to exceed 16 sq. ft. No sign, including exempt signs, shall be placed above the first floor.	Allowed (no permit required) (Not to exceed 4 ft. in height and 6 ft. in sign area)	
	Sign Type	Size and other Restrictions
	Official Sign, Public Notice, Warning Sign	The sign must comply with the size restrictions set forth herein, unless otherwise prescribed by federal, state or local law.
	Identification	Not to exceed 4 sq. ft. in area
	Nonilluminated Real Estate	1 sign allowed, shall not exceed 4 ft in height or 6 sq. ft. in area. The top of the sign shall be no more than 6 ft off the ground.
	Nonilluminated Construction	Not exceeding 6 sq. ft. in area.
	Flags	Not exceeding 20 sq. ft.
	Historical Markers	As approved by local, state or federal authorities.
	Nameplates of Sign for Home Occupation/Professional Office	1 nameplate, not exceeding 2 sq. ft.,
	Lawn Signs	Lawn signs allowed, not to exceed 3 ft. in height and 3 sq. ft. in area. The aggregate area of all lawn signs shall not exceed 16 sq. ft. The top of the lawn sign shall be no more than 5 ft off the ground. Signs shall be nonilluminated and shall be displayed for a limited period of time of no more than 6 months in a 12 month period. Must be removed 7 days after the event.

Proposed Draft Sign Regulations For the City of Beacon Residential Uses and Historic District

	Allowed With A Permit	
	Sign Type	Size and other restrictions
	One identification sign for subdivisions, apartments or multi-family developments that contain more than 15 dwelling units	At the entrance, not to exceed 24 sq. ft. in area
	Temporary	Not to exceed 4 ft. in height and 32 sq. ft. in area; not to be illuminated. The top of the lawn sign shall be no more than 6 ft. off the ground. Such sign shall not be displayed for more than 6 months in a 12 month period.
RESIDENTIAL USES Aggregate of all signs on any lot not to exceed 16 sq. ft. No sign, including exempt signs, shall be placed above the first floor.	Banners	Permitted as temporary
Historic District¹	All	Approval by Planning Board Required, temporary signs are exempt

¹ Under Section 134-6 of the City Code, a certificate of appropriateness from the Planning Board is required for signs, including signs exempt from permit requirements under the proposed local law. Only the installation of a temporary sign does not require a certificate of appropriateness.

City of Beacon Council Agenda
1/22/2019

Title:

A resolution adopting a Local Law to repeal Chapter 223, Article III, Section 24.8 and to amend Chapter 223, Attachment 2 of the Code of the City of Beacon concerning amusement centers containing only vintage amusement devices.

Subject:

Background:

ATTACHMENTS:

Description	Type
EAF and Negative Declaration	Cover Memo/Letter
A resolution adopting a Local Law to repeal Chapter 223, Article III, Section 24.8 and to amend Chapter 223, Attachment 2 of the Code of the City of Beacon concerning amusement centers containing only vintage amusement devices.	Local Law

Short Environmental Assessment Form

Part 1 - Project Information

Instructions for Completing

Part 1 - Project Information. The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

Part 1 - Project and Sponsor Information			
Name of Action or Project: City of Beacon Local Law concerning amusement centers containing only vintage amusement devices			
Project Location (describe, and attach a location map): City of Beacon			
Brief Description of Proposed Action: The proposed local law repeals Section 223-24.8 of the Zoning Code of the City of Beacon allowing amusement centers with vintage amusement devices by special permit, and modifies Section 223-17D the Schedule of Regulations for Nonresidential Districts to permit Indoor Commercial Recreation as a permitted principal use within the CB, CMS, GB, HI, and LI districts. The proposed local law removes specific reference to amusement centers with vintage amusement devices.			
Name of Applicant or Sponsor: City of Beacon		Telephone: 845-835-5000	
		E-Mail: Mayor@cityofbeacon.org	
Address: 1 Municipal Plaza			
City/PO: City of Beacon		State: NY	Zip Code: 12509
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.		NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other governmental Agency? If Yes, list agency(s) name and permit or approval:		NO <input type="checkbox"/>	YES <input type="checkbox"/>
3.a. Total acreage of the site of the proposed action? _____ acres			
b. Total acreage to be physically disturbed? _____ acres			
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? _____ acres			
4. Check all land uses that occur on, adjoining and near the proposed action. <input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input type="checkbox"/> Residential (suburban) <input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other (specify): _____ <input type="checkbox"/> Parkland			

5. Is the proposed action, a. A permitted use under the zoning regulations?	NO <input type="checkbox"/>	YES <input type="checkbox"/>	N/A <input type="checkbox"/>
b. Consistent with the adopted comprehensive plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	NO <input type="checkbox"/>	YES <input type="checkbox"/>	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area? If Yes, identify: _____	NO <input type="checkbox"/>	YES <input type="checkbox"/>	
8. a. Will the proposed action result in a substantial increase in traffic above present levels?	NO <input type="checkbox"/>	YES <input type="checkbox"/>	
b. Are public transportation service(s) available at or near the site of the proposed action?	<input type="checkbox"/>	<input type="checkbox"/>	
c. Are any pedestrian accommodations or bicycle routes available on or near site of the proposed action?	<input type="checkbox"/>	<input type="checkbox"/>	
9. Does the proposed action meet or exceed the state energy code requirements? If the proposed action will exceed requirements, describe design features and technologies: _____	NO <input type="checkbox"/>	YES <input type="checkbox"/>	
10. Will the proposed action connect to an existing public/private water supply? If No, describe method for providing potable water: _____	NO <input type="checkbox"/>	YES <input type="checkbox"/>	
11. Will the proposed action connect to existing wastewater utilities? If No, describe method for providing wastewater treatment: _____	NO <input type="checkbox"/>	YES <input type="checkbox"/>	
12. a. Does the site contain a structure that is listed on either the State or National Register of Historic Places?	NO <input type="checkbox"/>	YES <input type="checkbox"/>	
b. Is the proposed action located in an archeological sensitive area?	<input type="checkbox"/>	<input type="checkbox"/>	
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency?	NO <input type="checkbox"/>	YES <input type="checkbox"/>	
b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody? If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____	<input type="checkbox"/>	<input type="checkbox"/>	
14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply: <input type="checkbox"/> Shoreline <input type="checkbox"/> Forest <input type="checkbox"/> Agricultural/grasslands <input type="checkbox"/> Early mid-successional <input type="checkbox"/> Wetland <input type="checkbox"/> Urban <input type="checkbox"/> Suburban			
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?	NO <input type="checkbox"/>	YES <input type="checkbox"/>	
16. Is the project site located in the 100 year flood plain?	NO <input type="checkbox"/>	YES <input type="checkbox"/>	
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes, a. Will storm water discharges flow to adjacent properties? <input type="checkbox"/> NO <input type="checkbox"/> YES	NO <input type="checkbox"/>	YES <input type="checkbox"/>	
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe: _____	<input type="checkbox"/> NO <input type="checkbox"/> YES		

18. Does the proposed action include construction or other activities that result in the impoundment of water or other liquids (e.g. retention pond, waste lagoon, dam)? If Yes, explain purpose and size: _____ _____	NO	YES
	<input type="checkbox"/>	<input type="checkbox"/>
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe: _____ _____	NO	YES
	<input type="checkbox"/>	<input type="checkbox"/>
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe: _____ _____	NO	YES
	<input type="checkbox"/>	<input type="checkbox"/>
I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE Applicant/sponsor name: _____ Date: _____ Signature: _____		

Agency Use Only [If applicable]**Project:** Local Law-Amusement Center-Vintage**Date:** November 16, 2018

Short Environmental Assessment Form
Part 2 - Impact Assessment

Part 2 is to be completed by the Lead Agency.

Answer all of the following questions in Part 2 using the information contained in Part 1 and other materials submitted by the project sponsor or otherwise available to the reviewer. When answering the questions the reviewer should be guided by the concept "Have my responses been reasonable considering the scale and context of the proposed action?"

	No, or small impact may occur	Moderate to large impact may occur
1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. Will the proposed action result in a change in the use or intensity of use of land?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. Will the proposed action impair the character or quality of the existing community?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
7. Will the proposed action impact existing:		
a. public / private water supplies?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. public / private wastewater treatment utilities?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
11. Will the proposed action create a hazard to environmental resources or human health?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Project: Amusement Ctr-Vintage

Date: November 16, 2018

Short Environmental Assessment Form

Part 3 Determination of Significance

For every question in Part 2 that was answered "moderate to large impact may occur", or if there is a need to explain why a particular element of the proposed action may or will not result in a significant adverse environmental impact, please complete Part 3. Part 3 should, in sufficient detail, identify the impact, including any measures or design elements that have been included by the project sponsor to avoid or reduce impacts. Part 3 should also explain how the lead agency determined that the impact may or will not be significant. Each potential impact should be assessed considering its setting, probability of occurring, duration, irreversibility, geographic scope and magnitude. Also consider the potential for short-term, long-term and cumulative impacts.

The proposed action discussed in Parts 1 and 2 of this Short Environmental Assessment Form involves a local law to repeal Section 223-24.8 of the Zoning Code of the City of Beacon which allows amusement centers with vintage amusement devices within the CMS District as of right, and in the CB, GB, HI, LI districts by special permit, and modifies Section 223-17D, the Schedule of Regulations for Nonresidential Districts to permit Indoor Commercial Recreation and remove specific reference to amusement centers with vintage amusement devices. The goal of this local law is to update the City Code to include only those provisions that are in use and necessary to achieve the goals of the Comprehensive Plan and meet the needs of the community. By deleting the specific reference to amusement centers with vintage amusement devices, the City is not prohibiting construction or operation of such use, because these facilities are included in the definition of "Indoor Commercial Recreation" as defined by §223-63. Zoning Code Section 223-24.8 is outdated, redundant and has not been used in several years. Therefore, removing reference to amusement centers with vintage amusement devices from the code will have no impact on the environment and the surrounding community.

- ☐ Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action may result in one or more potentially large or significant adverse impacts and an environmental impact statement is required.
- ☒ Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts.

Name of Lead Agency

Date

Print or Type Name of Responsible Officer in Lead Agency

Title of Responsible Officer

Signature of Responsible Officer in Lead Agency

Signature of Preparer (if different from Responsible Officer)

PRINT FORM



CITY OF BEACON

CITY COUNCIL

RESOLUTION NO. _____ OF 2019

A RESOLUTION TO ADOPT A LOCAL LAW TO REPEAL CHAPTER 223, ARTICLE II, SECTION 24.8 AND TO AMEND CHAPTER 223, ATTACHMENT 2 OF THE CODE OF THE CITY OF BEACON CONCERNING AMUSEMENT CENTERS CONTAINING ONLY VINTAGE AMUSEMENT DEVICES.

NOW, THEREFORE, BE IT RESOLVED, that the City Council in accordance with 6 NYCRR Part 617 and upon review of the Short Environmental Assessment Form and all other materials prepared, hereby adopts the attached Negative Declaration for the proposed action.

BE IT FURTHER RESOLVED, that the Beacon City Council hereby adopts the proposed local law to repeal Chapter 223, Article II, Section 24.8 and to amend Chapter 223, Attachment 2 of the Code of the City of Beacon concerning amusement centers containing only vintage amusement devices.

Resolution No. _ of 2019		Date: <u>January 22, 2019</u>					
DAmendments		D On roll call				D 2/3 Required.	
DNot on roll call.		D On roll call				D 3/4 Required	
Motion	Second	Council Member	Yes	No	Abstain	Reason	Absent
		Terry Nelson					
		Jodi McCredo					
		George Mansfield					
		Lee Kyriacou					
		John Rembert					
		Amber Grant					
		Mayor Randy J. Casale					
		Motion Carried					

5102/11/639291v1 1/16/19

City of Beacon Council Agenda
1/22/2019

Title:

A resolution appointing Collin Milone to position of Administrative Assistant to the Mayor.

Subject:

Background:

ATTACHMENTS:

Description

Type

A resolution appointing Collin Milone to position of
Administrative Assistant to the Mayor.

Resolution



**CITY OF BEACON
CITY COUNCIL**

Resolution No. _____ of 2019

**APPOINTMENT OF COLLIN
MILONE TO FILL OPEN
POSITION OF ADMINISTRATIVE
ASSISTANT TO THE MAYOR**

WHEREAS , the resignation of the Secretary to the Mayor has created a vacancy; and

THEREFORE, this term shall begin on January 10, 2019.

Dated: January 22, 2019

Resolution No. _		of 2019		Date: <u>January 22, 2019</u>			
DAmendments				D 2/3 Required.			
DNot on roll call.		D On roll call		D 3/4 Required			
Motion	Second	Council Member	Yes	No	Abstain	Reason	Absent
		Terry Nelson					
		Jodi McCredo					
		George Mansfield					
		Lee Kyriacou					
		John Rembert					
		Amber Grant					
		Mayor Randy J. Casale					
		Motion Carried					

City of Beacon Council Agenda
1/22/2019

Title:

A resolution appointing Dave Buckley as the City of Beacon's Acting Building Inspector

Subject:

Background:

ATTACHMENTS:

Description	Type
Resolution appointing Dave Buckley as the City of Beacon's Acting Building Inspector	Resolution



**CITY OF BEACON
CITY COUNCIL**

Resolution No. _____ of 2019

**RESOLUTION APPOINTING
ACTING BUILDING INSPECTOR**

WHEREAS, David Buckley is employed by the City of Beacon as an Assistant Building Inspector with the City of Beacon; and

WHEREAS, there is currently a temporary vacancy for the Building Inspector position; and

WHEREAS, the City Administrator has recommended that Mr. Buckley be appointed/promoted to the vacant position on a temporary basis in accordance with procedures set by the Dutchess County Department of Human Resources; and

WHEREAS, Mr. Buckley is eligible for appointment/promotion to fill the vacant position on a temporary basis; and

WHEREAS, based on the recommendation of the City Administrator, the Mayor has appointed/promoted Mr. Buckley to the position of Building Inspector; and

WHEREAS, the City Council wishes to approve the Mayor's appointment/promotion of Mr. Buckley to the position of Building Inspector;

NOW, THEREFORE, IT IS HEREBY RESOLVED that the City Council approves the Mayor's appointment/promotion of David Buckley to the position of Building Inspector, effective as of January 22, 2019.

IT IS FURTHER RESOLVED that such appointment/promotion shall not exceed three (3) months from its effective date.

Resolution No.		of 2019		Date: <u>January 22, 2019</u>			
DAmendments				D On roll call		D 2/3 Required.	
DNot on roll call.						D 3/4 Required	
Motion	Second	Council Member	Yes	No	Abstain	Reason	Absent
		Terry Nelson					
		Jodi McCredo					
		George Mansfield					
		Lee Kyriacou					
		John Rembert					
		Amber Grant					
		Mayor Randy J. Casale					
Motion Carried							

City of Beacon Council Agenda
1/22/2019

Title:

A resolution authorizing reappointment of Kathleen Martin as Sole Assessor of the City of Beacon.

Subject:

Background:

ATTACHMENTS:

Description	Type
A resolution authorizing reappointment of Kathleen Martin as Sole Assessor of the City of Beacon.	Resolution



CITY OF BEACON

CITY COUNCIL

RESOLUTION NO. OF 2019

**RESOLUTION AUTHORIZING REAPPOINTMENT
OF KATHLEEN MARTIN AS SOLE ASSESSOR OF THE CITY OF
BEACON EFFECTIVE OCTOBER 1, 2019 TO END SEPTEMBER 30,
2025.**

WHEREAS, the Mayor is authorized to reappoint Kathleen Martin as City Sole Assessor effective January 1, 2019 to end December 31, 2025.

RESOLVED, that the City of Beacon, City Council, hereby approves the reappointment of Kathleen Martin as Sole Assessor of the City of Beacon under her previously established terms and conditions of employment.

Dated: January 22, 2019

Resolution No. of 2019		Date: <u>January 22, 2019</u>					
<input type="checkbox"/> Amendments		<input type="checkbox"/> 2/3 Required.					
<input type="checkbox"/> Not on roll call.		<input type="checkbox"/> On roll call <input type="checkbox"/> 3/4 Required					
Motion	Second	Council Member	Yes	No	Abstain	Reason	Absent
		Terry Nelson					
		Jodi McCredo					
		George Mansfield					
		Lee Kyriacou					
		John Rembert					
		Amber Grant					
		Mayor Randy J. Casale					
Motion Carried							

City of Beacon Council Agenda
1/22/2019

Title:

A resolution confirming the appointment of Conservation Advisory Committee Members Micah Slavkin and Danielle Levoit.

Subject:

Background:

ATTACHMENTS:

Description	Type
A resolution confirming the appointment of Conservation Advisory Committee Members Micah Slavkin and Danielle Levoit.	Resolution



**CITY OF BEACON
CITY COUNCIL**

RESOLUTION NO. ____ OF 2019

**RESOLUTION CONFIRMING THE APPOINTMENT OF CONSERVATION ADVISORY
COMMITTEE MEMBERS**

BE IT RESOLVED, that the City Council of the City of Beacon hereby confirms the reappointment of the following board and committee members for the indicated term:

Name	Committee	Expiration	Term
Micah Slavkin	Conservation Advisory Committee	12/31/2020	2 years
Danielle Levoit	Conservation Advisory Committee	12/31/2020	2 years To fill unexpired term of B. Schulman

Resolution No. ____ of 2019			Date: <u>January 22, 2019</u>				
<input type="checkbox"/> Amendments			<input type="checkbox"/> On roll call			<input type="checkbox"/> 2/3 Required.	
<input type="checkbox"/> Not on roll call.						<input type="checkbox"/> 3/4 Required	
Motion	Second	Council Member	Yes	No	Abstain	Reason	Absent
		Terry Nelson					
		Jodi McCredo					
		George Mansfield					
		Lee Kyriacou					
		John Rembert					
		Amber Grant					
		Mayor Randy J. Casale					
		Motion Carried					

City of Beacon Council Agenda
1/22/2019

Title:

A resolution confirming the appointment of Garrett P. Duquensne to the Zoning Board of Appeals.

Subject:

Background:

ATTACHMENTS:

Description

A resolution confirming the appointment of Garrett P.
Duquensne to the Zoning Board of Appeals.

Type

Cover Memo/Letter



**CITY OF BEACON
CITY COUNCIL**

RESOLUTION NO. ____ OF 2019

**RESOLUTION CONFIRMING THE APPOINTMENT OF ZONING BOARD OF APPEALS
MEMBERS**

BE IT RESOLVED, that the City Council of the City of Beacon hereby confirms the appointment of the following board and committee members for the indicated term effective March 1, 2019:

Name	Committee	Expiration	Term
Garrett P. Duquesne	Zoning Board of Appeals	12/31/2021	3 years

Resolution No. ____ of 2019 <input type="checkbox"/> Amendments <input type="checkbox"/> Not on roll call.			Date: <input type="checkbox"/> On roll call					<input type="checkbox"/> 2/3 Required. <input type="checkbox"/> 3/4 Required	
Motion	Second	Council Member	Yes	No	Abstain	Reason	Absent		
		Terry Nelson							
		Jodi McCredo							
		George Mansfield							
		Lee Kyriacou							
		John Rembert							
		Amber Grant							
		Mayor Randy J. Casale							
Motion Carried									

City of Beacon Council Agenda
1/22/2019

Title:

A resolution confirming the reappointment of various Board and Committee Members.

Subject:

Background:

ATTACHMENTS:

Description	Type
Reso Reappointing Committee/Board Members	Resolution



**CITY OF BEACON
CITY COUNCIL**

RESOLUTION NO. ____ OF 2019

**RESOLUTION CONFIRMING THE REAPPOINTMENT OF BOARD AND COMMITTEE
MEMBERS**

BE IT RESOLVED, that the City Council of the City of Beacon hereby confirms the reappointment of the following board and committee members for the indicated term:

Name	Committee	Expiration	Term
Antony Tseng	Conservation Advisory Committee	12/31/2020	2 years
Hollis Bogdanffy	Conservation Advisory Committee	12/31/2020	2 years
Zoe Markwalter	Conservation Advisory Committee	12/31/2020	2 years
Rob Lieblein	Conservation Advisory Committee	12/31/2020	2 years
Gary Barrack	Planning Board	12/31/2021	3 years
Jill Reynolds	Planning Board	12/31/2021	3 years
J. Randall Williams	Planning Board	12/31/2021	3 years
Robert Lanier	Zoning Board of Appeals	12/31/2021	3 years Chair
David Jensen	Zoning Board of Appeals	12/31/2021	3 years
Victoria Raabin	Tree Committee	12/31/2020	2 years
Kim Faison	Human Relations	12/31/2020	2 years
Lavonne McNair	Human Relations	12/31/2020	2 years

Resolution No. ____ of 2019		Date: <u>January 22, 2019</u>					
<input type="checkbox"/> Amendments						<input type="checkbox"/> 2/3 Required.	
<input type="checkbox"/> Not on roll call.		<input type="checkbox"/> On roll call				<input type="checkbox"/> 3/4 Required	
Motion	Second	Council Member	Yes	No	Abstain	Reason	Absent
		Terry Nelson					
		Jodi McCredo					
		George Mansfield					
		Lee Kyriacou					
		John Rembert					
		Amber Grant					
		Mayor Randy J. Casale					
		Motion Carried					

City of Beacon Council Agenda
1/22/2019

Title:

A Resolution to refer the concept plan for 248 Tioronda Avenue to the Dutchess County Planning Board and the City Planning Board for report and recommendation

Subject:

Background:

ATTACHMENTS:

Description	Type
A Resolution to refer the concept plan for Chai Builders Corp. to the Dutchess County Planning Board and the City Planning Board for report and recommendation	Resolution
Comments and Recommendations regarding the 248 Tioronda Avenue Concept Plan Application from John Clarke Planning and Design	Cover Memo/Letter



**CITY OF BEACON
CITY COUNCIL
RESOLUTION NO. ____ OF 2019**

**A RESOLUTION TO REFER THE CONCEPT PLAN FOR CHAI BUILDERS
CORP. TO THE DUTCHESS COUNTY PLANNING BOARD AND THE CITY
PLANNING BOARD FOR REPORT AND RECOMMENDATION**

WHEREAS, the City Council has received an application from Chai Builders Corp. (the “Applicant”), for Concept Plan approval. The Applicant seeks to redevelop the northern portion of the former Tuck Industries manufacturing site with a 64-unit multifamily residential development and a 25,400 square foot office building with associated parking (the “Proposed Action”); and

WHEREAS, the project site is 9.18 acres on property located at 248 Tioranda Avenue, designated on the City tax maps as parcels 5954-16-993482 and 6054-45-012574 (the “Property”); and

WHEREAS, the Property is located in the Fishkill Creek Development (“FCD”) Zoning District and in the Local Waterfront Revitalization Area; and

WHEREAS, the multifamily use and office building use are considered principal uses permitted in the FCD District.

WHEREAS, the Project requires a determination of significance under the New York State Environmental Quality Review Act (“SEQRA”), a Local Water Revitalization Policy (“LWRP”) consistency determination, Concept Plan approval from the City Council and Site Plan approval from the Planning Board.

NOW THEREFORE BE IT RESOLVED, that the City Council hereby refers the Concept Plan to the Dutchess County Planning Board and the City Planning Board for a report and recommendation; and

BE IT FURTHER RESOLVED, that the City Council requests the City Planning Board be the Lead Agency to undertake the SEQRA review of the Project and make a Determination of Significance and evaluate the application for consistency in accordance with the City’s LWRP standards and conditions; and

BE IT FURTHER RESOLVED, that upon receipt of the Planning Board’s Determination of Significance and LWRP consistency determination, and report and

recommendation from the County and City Planning Board, the City Council will continue its review of the Concept Plan.

Resolution No. ____ of 2019			Date: <u>January 22, 2019</u>				
<input type="checkbox"/> Amendments						<input type="checkbox"/> 2/3 Required.	
<input type="checkbox"/> Not on roll call.			<input type="checkbox"/> On roll call			<input type="checkbox"/> 3/4 Required	
Motion	Second	Council Member	Yes	No	Abstain	Reason	Absent
		Terry Nelson					
		Jodi McCredo					
		George Mansfield					
		Lee Kyriacou					
		John Rembert					
		Amber Grant					
		Mayor Randy J. Casale					
		Motion Carried					

To: Mayor Casale and the Beacon City Council
Date: January 22, 2019
Re: 248 Tioronda Avenue, Concept Plan Application

I have reviewed digital files of a January 17, 2019 response letter and January 16, 2019 Wetlands Investigation Memorandum from The Chazen Companies, January 17, 2019 reissued Full EAF Part 1 and Narrative, January 17, 2019 updated photo-simulations from five locations, January 17, 2019 revised Site Sections and Elevations, and a 7-sheet Site Plan set with all but Sheet SP1 having a last revision date of January 17, 2019.

Proposal

The applicant is proposing to construct two multifamily buildings with a total of 64 units and a separate office building with 25,400 square feet on two parcels containing 9.18 acres in the Fishkill Creek Development district. The two lots will need to be consolidated, and a Greenway Trail is proposed as part of the project.

Comments and Recommendations

1. Sheet C100 includes the combined floodway, wetland, and surface water boundaries, as well as the proposed development footprints, but not the very steep slopes layer.
2. On Sheet G001 the Site Statistics Table should indicate 216 parking spaces. According to Section 223-41.13 I(11)(b) the minimum required parking should also be the maximum allowed.
3. As requested, a new photo-simulation is included from across the creek. Existing trees along the creek and additional trees and landscaping, as indicated in the sections, will help to screen views of the buildings from the east.
4. The submission also provides updated cross-sections, showing an enhanced separation between the buildings and Greenway Trail. For future ease of understanding, the buildings should be labeled the same in the sections, elevations, site simulations, and site plan, and the section lines should be identified. The east and west elevations of Building A seem to be mis-labeled.
5. Two alternative plans have been provided, both of which use land-banked parking to create space for a central green. Option B appears to be the preferable Concept Plan and consistent with the Council's direction at the last workshop. It provides a much larger and more usable greenspace. In Option A the truck loading area awkwardly separates the commercial building from the narrow green. The land-banked parking in Option B should be increased from 20 to 33 to match the number proposed in Option A.
6. If possible, an ADA-compliant section of the Greenway Trail should be provided through the green near the retaining wall to bypass the lower segment with stairs.

7. The November response letter from The Chazen Companies reported that the federal wetlands boundary was re-delineated on November 5, 2018 and was under review by the Army Corps of Engineers. The January 16, 2019 Wetlands Investigation Memorandum confuses the matter. It starts out by stating that wetlands were not observed on the project site and concludes with photos showing Wetlands A through D. The Photo Location Map should be more precise and identify all 24 photos. The November 5, 2018 updated delineation was not discussed or represented with a map. Wetland boundaries and any significant impacts will need to be clarified before any SEQRA determination is possible.

Once the Council decides between Option A and Option B, the proposed Concept Plan should be ready to forward to the County Planning Department for comments and the City Planning Board for a SEQRA determination, Local Waterfront Revitalization Program consistency review, and advisory recommendations. Specific architectural, landscaping, lighting, and engineering details should be covered by the Planning Board during the subsequent Site Plan review.

If you have any questions or need additional information, please feel free to email me.

John Clarke, Beacon Planning Consultant

c: Dave Buckley, Building Inspector
 Nicholas M. Ward-Willis, Esq., City Attorney
 Arthur R. Tully, P.E., City Engineer
 John Russo, P.E., City Engineer
 Larry Boudreau, RLA, Project Representative

City of Beacon Council Agenda
1/22/2019

Title:

A resolution adopting the City of Beacon Procurement Policy.

Subject:

Background:

ATTACHMENTS:

Description	Type
City of Beacon Procurement Policy	Agreement
A resolution adopting the City of Beacon Procurement Policy.	Agreement

CITY OF BEACON
PROCUREMENT POLICY
DRAFT 1.11.18

SECTION 1. PURCHASING TERMINOLOGY

Generally, local governments are required to advertise for **Competitive Bids** when procurements exceed certain dollar thresholds. **Purchase Contracts** involving expenditures in excess of \$20,000 and **Public Works Contracts** involving expenditures in excess of \$35,000 are generally subject to competitive bidding under General Municipal Law § 103. When using competitive bidding, contracts are awarded to the “lowest responsible bidder” after public advertisement for sealed bids. As further discussed below, the City may elect to award **Purchase Contracts**, which exceed the monetary threshold, on the basis of “best value,” as an alternative to awarding contracts to the “lowest responsible bidder.”

A **Purchase Contract** is an agreement between the City and a Vendor, supported by consideration, for the purchase of goods, equipment, work or services. Services, other than those necessary for the completion of public works contracts governed by the prevailing wage requirements of Article 8 of the Labor Law.

A **Public Works Contract** involves services and materials used for a public works related jobs, for example blacktopping in connection with a paving project or building construction.

When procurement is not subject to bidding requirements, the law generally requires that the procurement policy provide that alternative proposals or quotations be obtained by use of written **requests for proposals (RFPs)**, written quotations, verbal quotations or any other method that furthers the purpose of the law. An **RFP** generally is a document that provides detailed information concerning the type of service to be provided including minimum requirements and, where applicable, evaluation criteria that will govern the contract award. Potential service providers typically are supplied with copies of the **RFP** and are requested to submit proposals by a specified date. Proposals can be solicited via public advertisement, or a comprehensive list of potential vendors can be compiled with vendors contacted directly and provided with the **RFP**. An **RFP** can provide a mechanism for fostering increased competition for professional services and can ensure that these contracts are awarded in the best interests of the taxpayers.

SECTION 2. METHODS OF PROCUREMENT

A. Purchase Contracts

In the process of procurement for commodities or services on behalf of the City of Beacon, every effort shall be made to obtain the required number of proposals or quotations laid out below. If the required number of proposals or quotations cannot be obtained, the Purchaser shall document the attempts made to obtain the proposals. The City is not responsible for purchases made without a purchase order or without the proper documentation and approvals. Checks will not be processed unless this procurement policy is followed.

All awards shall be made to the lowest responsible bidder or by using the Best Value Procurement Method set forth herein. If the lowest bidder is deemed not responsible, facts supporting that judgment shall be documented and filed with the records supporting the procurement.

Up to \$999.99	Discretion of Department Head
\$1,000 - \$ 3,999.99	2 verbal quotations must be attached to the requisition.
\$4,000 - \$19,999.99	3 written, faxed or email quotations or requests for proposals must be attached to the requisition.
\$20,000 and above	Formal Competitive Bid Required

B. Public Works Contracts

In the process of procurement for commodities or services on behalf of the City of Beacon, every effort shall be made to obtain the required number of proposals or quotations laid out below. If the required number of proposals or quotations cannot be obtained, the Purchaser shall document the attempts made to obtain the proposals. All quotes (written or telephone) shall be documented and attached to all requisitions. The City is not responsible for purchases made without a purchase order or without the proper documentation and approvals. Checks will not be processed unless this procurement policy is followed.

All awards shall be made to the lowest responsible bidder. If the lowest bidder is deemed not responsible, facts supporting that judgment shall be documented and filed with the records supporting the procurement.

Public Works Contract Cont.

Up to \$999.99	Discretion of Department Head
\$1,000 - \$ 3,999.99	2 verbal quotations must be attached to the requisition.
\$4,000 - \$34,999.99	3 written, faxed or email quotations or requests for proposals must be attached to the requisition.
\$35,000 and above	Formal Competitive Bid Required

C. Professional Services

Professional services are not required to be competitively bid. Professional services generally include services rendered by attorneys, engineers, and certain other services requiring specialized or technical skills, expertise or knowledge, the exercise of professional judgment or a high degree of creativity. Departments must procure such services in accordance with the procedures below. Requests for deviation from the process must be documented and approved by the City Administrator or his/her designee. There is no requirement in General Municipal Law on the frequency of solicitation. Periodic solicitation can be made at reasonable intervals. RFPs are traditionally used as a means of obtaining the services of: attorneys, architects, engineers, surveyors, planners, accountants, underwriters, fiscal consultants and other professionals. An evaluation of proposals can consider price in addition to other factors such as experience, staffing and suitability for needs and may include negotiations on a fair and equal basis.

SECTION 3. BEST VALUE

In accordance with section 27 of the Municipal Home Rule Law and pursuant to General Municipal Law § 103, on May 5, 2014, the City Council enacted Chapter 53 "Purchasing" to exercise its authority to adopt standards permitting the City and its bodies, officers and agents, to apply the "best value" standard for awarding purchase contracts. Best value is defined in New York State Finance Law § 163.

Any purchase contract awarded by the City shall be awarded on the basis of lowest responsible bidder unless the City Administrator or his/her designee authorizes an award on the basis of "best value." "Best value" is defined as "the basis for awarding contracts for services to the offerer which optimizes quality, cost and efficiency, among responsive and responsible offerers." The head of the contracting Department shall, before award of the contract, prepare and submit to the City Administrator or his/her designee a written statement detailing the reasons it is in the best interests of the City of Beacon and its taxpayers to make an award on the basis of best value instead of lowest responsible bidder.

The City Administrator or his/her designee shall consider the contracting Department's submission and shall make a written determination, issued to the contracting Department, with respect to which standard shall be applied to the contract under review.

Factors which must be considered in awarding a purchase contract on the basis of best value are:

- (a) The need for the costlier option as compared with all lower bids, supported by specific facts;
- (b) The cost of the option chosen as compared with all lower bids;
- (c) The reputation of the bidder chosen for providing quality goods or services;
- (d) The durability, estimated life and estimated cost of maintenance of the goods; and
- (e) Such other considerations as the City Administrator or his/her designee shall deem relevant and material to the letting of the contract.

The bid award shall be accompanied by a written statement discussing these factors and explaining how the award is expected to result in savings for the City over time. Wherever possible, such statements shall also include objective and quantifiable analyses comparing the bid accepted to all less expensive options.

SECTION 4. LOCAL BUSINESS CONSIDERATION FOR QUOTATION

This consideration applies to formal written quotations, where the annual acquisition costs are estimated to be between \$5,000 and \$19,999. This Section does not apply for any contract to be awarded pursuant to the public bidding process required by General Municipal Law § 103. For this purpose, a "local business" shall refer to any operating, commercial entity located physically within the geographic borders of the County of Dutchess that employs at least one full- time employee.

When a formal written quotation is used and the lowest responsible and responsive bidder is not a local business, the lowest responsible and responsive local business bidder (if applicable or available), who is within 10% of the lowest responsible and responsive bidder, shall be provided with notice and an opportunity to reduce its bid to match that of the lowest responsible and responsive bidder. Notice shall be by telephone and either facsimile or electronic mail. The local business shall have three business days after the date of such notice to match the lowest bid in writing. Should the local business so match, it will be deemed the lowest responsible and responsive bidder and receive the award. Should the lowest responsible and responsive local business bidder decline to match, the next lowest responsible and responsive local bidder who is within 10% of the lowest responsible and responsive bidder will be given the same notice and opportunity to match the bid of the lowest responsible and responsive bidder as outlined above. This process shall continue as necessary until an award is made either to a responsible and responsive local business bidder

who is within 10% of the lowest responsible and responsive bidder, or the lowest responsible and responsive bidder itself.

In instances where a local business and a non-local business submit equivalent lowest responsible and responsive bids, the City Administrator or his/her designee shall give preference to the local business.

In the event the only bidders are local, the bid will be awarded to the lowest responsible and responsive bidder. In the event there are two or more local businesses within 10% of the lowest bid and whose bid is tied, the award shall be determined by a lottery.

The lowest responsible and responsive bidder shall meet the requirements as set forth in the formal quotation and as determined by the City Administrator or his/her designee.

SECTION 5. EMERGENCY PURCHASES AND EMERGENCY PUBLIC WORKS CONTRACTS

The term “Emergency purchase” is defined in General Municipal Law § 103(4) as follows:

In the case of a public emergency arising out of an accident or other unforeseen occurrence or condition whereby circumstances affecting public buildings, public property or the life, health, safety or property of the inhabitants of a political subdivision or district therein, require immediate action which cannot await competitive bidding or competitive offering, contracts for public work or the purchase of supplies, material or equipment may be let by the appropriate officer, board or agency of a political subdivision or district therein

Consequently, unless the situation threatens lives, health or public property, the purchase of services or products must go through normal channels. In cases of emergency, the procurement of goods or services will be at the discretion of the proper department head and if possible, in consultation with the City Administrator or his/her designee. The following procedure will be used:

- a) Contact the vendor immediately and arrange the purchase or service.
- b) Notify the City Administrator in writing as soon as possible when the emergency purchases or services are necessary.
- c) If an emergency occurs and there is a need for a part or service, please fill out the requisition and give to the purchase order entry clerk on the next business

day.

- d) Documentation as to the nature of the emergency shall be sent to the Director of Finance within five working days of the procurement.
- e) If advertising for bids and awarding the contract was required pursuant to General Municipal Law §103, then the City Council must consider at its next meeting, a resolution approving of the award of the contract without complying with the public bidding requirements due to an emergency.

SECTION 6. PIGGY-BACKING

In addition to the procedures and guidelines stated herein, in accordance with General Municipal Law § 103(16), effective November 13, 2013, the City may make purchases through bids solicited by the United States of America or any agency thereof, or by any state or any other political subdivision or district. Prior to such purchase, the Department making the purchase will ensure that a piggyback purchase qualifies as follows:

- a) **The original contract must have been made expressly available for use by other governments,** such as by inclusion of language in the contract stating that it is offered for use by other governmental entities.
- b) The original contract was awarded on the basis of the lowest responsible bidder or best value standard consistent with New York State Law. The Department head must confirm that the contract was properly let on one of these bases through inquiry into the procedure used when the contract was first awarded. Documentation demonstrating proper procedure should be obtained whenever possible;

The original contract must be attached to the purchase requisition. Any documentation from the agency allowing the City to piggy-back off the original contract must also be provided with the requisition before it can be processed and provided to the City Council for review when it awards a contract pursuant to the piggybacking method.

SECTION 7. EXCEPTIONS TO BIDDING

In all circumstances where a purchase is exempt from the bidding process, documentation supporting the details, must be provided with the requisition before it can be processed.

- a) ***Purchases through the New York State Office of General Services***
Certain State contracts for the procurement of commodities, equipment, materials, supplies, services, technology, and food products are made available to local governments through the New York State Office of General Services (OGS). Under General Municipal Law § 104 the City may make purchases at the same prices under the same terms as the State. All acquisitions must follow the State's required

procedures and any additional competitive procurement processes prior to the purchase of any goods or services. The entire state contract must be attached to the purchase requisition; the contract must include the item(s), vendor and price.

b) ***Purchases through Preferred Sources***

New York State has enacted legislation to advance “special social and economic goals,” which accords certain providers with “preferred source” status. Procurements of commodities and/or services, when available in the “form, function and utility” required by the City, are required to be made from preferred sources and are not subject to competitive procurement requirements. Preferred sources include: Correctional Industries Program of the Department of Corrections and Community Supervisions (Corcraft); approved qualified, nonprofit agencies for the blind; approved special employment programs for mentally ill persons; approved qualified charitable nonprofit agencies for other severely disabled persons; and certain approved qualified veterans’ workshops.

c) ***Sole Source***

In cases where a reasonably exhaustive and documented search discloses that a good or service is available from only one vendor or in cases where there is common knowledge of the existence of a monopolistic situation for a particular good or service being sought, that good or service may be purchased from a single identified vendor without competitive bidding or solicitation of quotations. The requesting department must complete and submit a Sole Source Justification form with the City Administrator or his/her designee. Determination of sole source status shall be at the discretion of the City Administrator or his/her designee.

d) ***Insurance***

Insurance coverage (i.e., health, fire, liability and workers’ compensation) is not subject to competitive bidding. All agreements for insurance coverage will be investigated by the City Administrator or his/her designee. If competition is available in the market, RFPS will be requested, evaluated and an award made. If no competition is available a contract will be negotiated between the City and the respective carrier.

SECTION 8. TRAVEL REIMBURSEMENT

Employees attending a convention, conference or school must also submit a requisition (course, travel, meal reimbursement, lodging, etc.) along with an Authorization to Attend Form. This must be completed and signed by the City Administrator and then attached to each requisition. A copy of the course description should be attached to the requisition. All vouchers for reimbursement should be turned in within two weeks of completion.



**CITY OF BEACON
CITY COUNCIL**

RESOLUTION NO. ____ OF 2019

**A RESOLUTION ADOPTING A POLICY FOR BANNERS ACROSS MAIN
STREET**

BE IT RESOLVED, that the Beacon City Council hereby adopts the Procurement Policy.

Resolution No. ____ of 2019			Date: <u>January 22, 2019</u>				
<input type="checkbox"/> Amendments						<input type="checkbox"/> 2/3 Required.	
<input type="checkbox"/> Not on roll call.			<input type="checkbox"/> On roll call			<input type="checkbox"/> 3/4 Required	
Motion	Second	Council Member	Yes	No	Abstain	Reason	Absent
		Terry Nelson					
		Jodi McCredo					
		George Mansfield					
		Lee Kyriacou					
		John Rembert					
		Amber Grant					
		Mayor Randy J. Casale					
Motion Carried							

City of Beacon Council Agenda
1/22/2019

Title:

A resolution to award the Contract for Green Street Park Improvements to Beacon Residential, LLC.

Subject:

Background:

ATTACHMENTS:

Description	Type
A resolution to award the Contract for Green Street Park Improvements to Beacon Residential, LLC.	Resolution



**CITY OF BEACON
CITY COUNCIL**

Resolution No. _____ of 2019

**RESOLUTION TO AWARD THE CONTRACT
TO BEACON RESIDENTIAL LLC**

WHEREAS, The City of Beacon sought proposals from qualified contractors for improvements to Green Street Park; and

WHEREAS The City of Beacon received \$60,000.00 from a Community Development Block Grant; and

WHEREAS, the proposed fee of \$87,800.00 was the lowest proposed,

NOW, THEREFORE BE IT RESOLVED, that the Contract for Green Street Park Improvements be awarded to Beacon Residential LLC; and

BE IT FURTHER RESOLVED, that the Mayor or City Administrator of the City of Beacon is hereby authorized to execute said Agreement and any documents consistent therewith.

Resolution No. _ of 2019		Date: <u>January 22, 2019</u>					
<input type="checkbox"/> Amendments		<input type="checkbox"/> On roll call				<input type="checkbox"/> 2/3 Required.	
<input type="checkbox"/> Not on roll call.						<input type="checkbox"/> 3/4 Required	
Motion	Second	Council Member	Yes	No	Abstain	Reason	Absent
		Terry Nelson					
		Jodi McCredo					
		George Mansfield					
		Lee Kyriacou					
		John Rembert					
		Amber Grant					
		Mayor Randy J. Casale					
		Motion Carried					

City of Beacon Council Agenda
1/22/2019

Title:

A resolution to retain Henningson, Durham & Richardson Architecture and Engineering, P.C. to review plans for the proposed 110 Howland Avenue wireless telecommunication special use permit application.

Subject:

Background:

ATTACHMENTS:

Description	Type
Resolution to retain Henningson, Durham & Richardson Architecture and Engineering, P.C. to review plans for the proposed 110 Howland Avenue wireless telecommunication special use permit application.	Resolution



**CITY COUNCIL
CITY OF BEACON**

**RESOLUTION TO RETAIN HENNINGSON, DURHAM & RICHARDSON
ARCHITECTURE AND ENGINEERING, P.C. (“HDR”) TO REVIEW PLANS
FOR THE PROPOSED 110 HOWLAND AVENUE WIRELESS
TELECOMMUNICATION SPECIAL USE PERMIT APPLICATION**

Resolution No. _____ of 2019

WHEREAS, the City is interested in retaining the services of Henningson, Durham & Richardson Architecture and Engineering, P.C. (“HDR”) to review the plans for the wireless telecommunication facility proposed on property located at 110 Howland Avenue; and

WHEREAS, HDR shall provide technical analysis of the special permit application materials provided by Verizon Wireless (the “Applicant”), including but not limited to, review of compliance with applicable codes, assessment for site justification and need, review of aesthetic aspects of the proposed facility and RF emissions review; and

WHEREAS, HDR provided an estimated fee proposal of \$5,000, should an increased level of effort be required HDR will inform the City.

NOW, THEREFORE BE IT RESOLVED, that the City Council hereby authorizes the City to retain HDR to review the plans submitted by Verizon Wireless in connection with the proposed wireless telecommunication facility proposed on property located at 110 Howland Avenue.

BE IT FURTHER RESOLVED, that the City Council hereby authorizes the City to retain HDR in the future to perform plan reviews for other proposed wireless telecommunication facilities when deemed necessary by the Building Inspector and/or City Planner, and approved by the City Administrator.

BE IT FURTHER RESOLVED, that payment for HDR’s services shall be paid out of the applicant’s land use review escrow account. An applicant submitting a proposal for a wireless telecommunication facility shall deposit the appropriate funds to cover HDR’s plan review costs in the land use review escrow account. Withdrawals shall be made from the escrow account to pay for the cost of HDR’s review.

BE IT FURTHER RESOLVED, that the City Council hereby authorizes the City Administrator to execute all pertinent documents necessary to effectuate the purpose of this

Resolution. Any and all agreements shall be subject to review and approval by the City Attorney.

Resolution No. _____ of 2019		Date: <u>January 22, 2019</u>					
DAmendments		D 2/3 Required.					
Motion	Second	Council Member	Yes	No	Abstain	Reason	Absent
		Terry Nelson					
		Jodi McCredo					
		George Mansfield					
		Lee Kyriacou					
		John Rembert					
		Amber Grant					
		Mayor Randy J. Casale					
		Motion Carried					